

REMARKS

The specification is amended to remove a reference numeral not found in the drawing. Claim 1 is revised to define over the art of record, and Claim 19 is withdrawn from further consideration in this application. Following entry of this response, Claims 1-9 and 11-18 remain under consideration. No claim stands allowed.

Claim 19 is withdrawn from consideration, consistent with the restriction requirement stated in the last Office action.

The objection to the drawing as not including the reference numeral "50" is noted. Instead of submitting a corrected drawing sheet with that numeral, the applicant is amending the specification to remove that numeral. Based on this amendment, the applicant submits that the present drawings are free of objection.

Claims 1, 2, 5, 9, 11,12 and 15-18 stand rejected as anticipated by newly-cited *DeWitt* (US 6,776,505). The applicant respectfully traverses that rejection as possibly applied to amended Claim 1 and Claims depending therefrom.

Claim 1 is here amended to define an illuminated display apparatus in which the side member of the housing maintains the transparent plate in place within the notch portion of the frame member. In particular, the side member has a second end disposed adjacent the interior side of the frame member. That second end of the side member is disposed against the transparent plate to maintain that plate in the notch portion of the frame member, an arrangement discussed at page 6, Lines 9-13 of the specification and best seen in Fig. 4.

DeWitt lacks the specific structural and functional interrelation between a transparent plate in the center opening of the frame member, including the notch portion

for retaining that plate, and an end of a side member disposed against the transparent plate to maintain that plate in the notch portion. *DeWitt* discloses an illuminated night-light in the form of a picture frame having an opening for displaying an image 14. A slot 30 at the top of the frame allows removal and replacement of the image 14 (column 3, *Lines* 17-20). *DeWitt* does not specifically disclose a transparent plate located within the center opening of the frame, although Fig. 5 might suggest the existence of such a plate. In any case, the forward end of the receptacle or box 22 in that reference is merely affixed to the back surface of the frame, and is not disposed against any transparent plate arguably present. Further, if the sides of *DeWitt's* box 20 were construed as disposed against a transparent plate covering the opening of the frame, that arrangement would prevent one from removing and replacing the image 14 as taught by *DeWitt*. Accordingly, that reference fails to anticipate an illuminated display apparatus as now defined in Claim 1 and the claims depending therefrom.

Claims 1-3, 5, 6, 9, and 11-13 were rejected as unpatentable over newly-cited *Shroyer* (US 4,353,327) in view of *Lin* (US 4,942,685). *Shroyer* discloses a combination aquarium/picture holder having a glass wall 24 received within recesses of a frame 12. Edge portions of the glass wall are held in place by mounting strips 42 (column 2, *Lines* 58-60). Those mounting strips engage the front side of the glass wall 24 as shown in Fig. 4, an arrangement needed to keep the glass wall in place whenever the frame 12 is pivoted away from the housing 10 as illustrated in that figure.

Accordingly, *Shroyer* fails to teach or suggest the structural and functional arrangement now recited in Claim 1 and discussed above. That arrangement includes a notch portion on the interior side of the frame member, the notch portion extending along

the inner perimeter of that frame member. Furthermore, the second end of the side member in Claim 1 is disposed against the transparent plate to maintain that plate in the notch portion. *Shroyer*, in contrast with the illuminated display apparatus defined by Claim 1, has recesses that receive the glass wall in the front of the frame 12 and mounting strips in front of that glass wall, holding the glass wall in place. Nothing in *Shroyer* teaches or suggests the structural and functional arrangement discussed herein and now required by the combination of Claim 1.

Lin fails to supply the aforementioned teaching deficiency of *Shroyer* and, indeed, was not cited for that purpose. In any case, *Lin* merely discloses flanges 142 mounted on the rear wall 13 of the supporting frame 1, well inboard from the folds 11 backing up the forward end of the supporting frame. Accordingly, Claims 1 et al define structural and functional combinations of elements that would not have been obvious to one of ordinary skill in view of *Shroyer* taken with *Lin*.

Claim 4 is rejected as unpatentable over *Shroyer* in view of *Lin*, and further in view of *Herrin* (US 3,503,147). *Herrin* is cited as teaching attaching a display to the back wall of a shadow box, but the combined references fail to overcome the teaching deficiency noted above with respect to parent Claim 1. Accordingly, Claim 4 defines patentable subject matter over the applied art.

Claims 7, 8, 14, and 15-18 stand rejected as being unpatentable over *Shroyer* in view of *Lin* as applied to Claim 1, further in view of various other secondary references. However, those claims each depend (directly or indirectly) from Claim 1 and, accordingly, are patentable over the applied art for the reasons discussed above with respect to that parent claim.

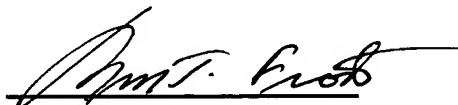
S/N 10/774,542

The foregoing is submitted as a complete response to the Office action identified above. The applicant respectfully submits that this application is in condition for allowance and solicits a notice to that effect.

Respectfully submitted,

MERCHANT & GOULD

Date: February 9, 2006


Roger T. Frost
Reg. No. 22,176

Merchant & Gould, LLC
P.O. Box 2903
Minneapolis, MN 55402-0903
Telephone: 404.954.5100

